

Due Diligence – Guidance and Information

Before the University can formally approve a new collaborative partner arrangement, it must carry out a number of activities to assure itself of the good standing of the prospective partner and its capacity to fulfil its proposed role. This ensures the University is meeting national expectations and protects the reputation of the University and its existing partnerships.

Due Diligence activity is documented and involves consideration of a range of supporting materials, some of which will be supplied by the prospective partner whilst other evidence will be obtained from external agencies and organisations by University staff. Due diligence is revisited periodically to ensure the University holds up-to-date information about its partners.

This activity includes completion of a **Legal Due Diligence Questionnaire** (Part 4 of the Due Diligence Checklist) by the prospective partner, which helps the University to meet its own legal obligations. The contract that will be put in place once the details of the partnership have been agreed, and will include legal obligations on both organisations regarding compliance with these areas. Consideration will include the key areas listed below.

LEGAL ENTITY

A legal entity is any company or organisation that has legal rights and responsibilities, including tax filings. A legal entity can enter into contracts and assume the obligations of those contracts.

The University recognises that a number of organisations work within organisation structures which may include a number of different legal entities. It is important to the University that the legal contract which is signed in relation to collaborative activities, is signed with the same legal entity that will ultimately be responsible for the obligations agreed through validation. At an early stage of partnership discussions, it should be clarified which legal entity will be responsible for the following obligations:

- Advertising the programme(s)
- Employing support staff and teaching staff who will be supporting the programme(s)
- Providing the venue(s) and/or any physical, electronic or software resources required to deliver the programme(s)
- Providing support facilities for students while they are undertaking the programme(s)
- Collecting fees from students and having financial arrangements with the University to pay the University

Once a collaborative arrangement is in place, a contract will be required with any legal entity's or partners, who will be involved in delivering obligations relating to the programme delivery. As such, due diligence information will be required for the organisation(s) directly responsible for these obligations.

Supporting evidence and completion of the due diligence checklist will need to be clear about the legal entity/entities that will be involved in the partnership with the University.

INSURANCE

Insurance is a contract, represented by a policy, in which an organisation receives financial protection or reimbursement against losses from an insurance company. Insurance policies are used to protect against the risk of financial losses, both big and small, that may result from damage to the insured organisation, or from liability for damage or injury caused to a third party. The type and level of insurance which an organisation is expected to purchase can be very different depending on the country within which it is based, and the type of activity which will be undertaken.

Where a partner provider will be delivering a programme across a number of different sites, it is important that we review the insurance documentation for each site and that the partner has evidenced how each of the sites are covered.

Within the UK, there is a legal obligation for any business to have Public Liability Insurance and Employers Liability Insurance. It would also be typical for an organisation which is undertaking delivery of Higher Education programmes to have insurance for Professional Indemnity and Data Protection.

As the requirements of each Country relating to Insurance is different, the University approaches each scenario on a case-by-case basis and may take specific advice from its Insurance Broker UMAL, to confirm what it will expect from a partner institution operating within a given country. The type and level of insurance may also be influenced by the type of arrangement and whether this involved mobility of staff and/or students.

MODERN SLAVERY

The Modern Slavery Act 2015 requires the University to publish an annual Modern Slavery Transparency Statement, setting out the steps it has taken to eradicate modern slavery and human trafficking from its business and supply chain.

Information on the University's Modern Slavery Transparency Statement can be accessed from [here](#). An overview on the Modern Slavery Act 2015 can be found [here](#).

BRIBERY INFORMATION

The Bribery Act 2010 requires the University to take steps to ensure that we are not involved in bribery and corruption and to eradicate this from our business and supply chain.

Information on our Bribery Act Policy can be accessed from [here](#). An overview on the Bribery Act 2010 can be found [here](#).

CONSUMER LAW

The University must comply with the UK Consumer Rights Act 2015, UK Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013, and the UK Consumer Protection from Unfair Trading Regulations ("Consumer Laws").

Information on these laws can be accessed [here](#).

EQUALITY ACT AND HUMAN RIGHTS

The University is committed to promoting equal opportunities for all those involved within the University community whether staff or students. This commitment is to ensure that people's individual qualities are recognised and celebrated, and that people are treated with dignity and respect. We recognise that some groups can experience discrimination. We will ensure that, as a University, we promote equal opportunities to comply with all equality legislations.

Information on the University's approach and policy to Equality and Diversity can be accessed [here](#).

CRIMINAL FINANCES

The University must comply with the Criminal Finances Act 2017. The Act makes businesses liable for the actions of its employees and associated persons who intentionally facilitate tax evasion.

An overview on the Criminal Finances Act 2017 can be found [here](#).

COUNTER TERRORISM AND SECURITY

The Counter Terrorism And Security Act 2015 requires the University to prevent people from being drawn into terrorism.

The University's approach to this statutory duty is holistic in nature. The requirements across the institution have been assessed and relevant work done to ensure compliance. This has resulted in a number of policies being reviewed and amended, changes to existing working practices developed, and some resource allocation to ensure a robust approach. There is no overarching 'prevent' policy – the work is built into all relevant areas.

For those collaborative partners who are registered with the Office for Students, LJMU would expect continued compliance with the Prevent Duty. For partners who are not required to register with the Office for Students, LJMU remains responsible for the delivery of this statutory duty for relevant students. It is expected that partners would report issues of concern to LJMU with immediacy, should they arise.

An overview on the Counter Terrorism and Security Act 2015 and how it applies to Universities can be found [here](#).

DATA PROTECTION AND INFORMATION SECURITY

The Data Protection Act 2018 and the General Data Protection Regulation 2016 (together referred to as the 'Data Protection Legislation') requires the University to protect the rights and privacy of data subjects (i.e. individuals) and to ensure that personal data is processed fairly, lawfully, and transparently.

The Data Protection Legislation applies to all personal data processed by or on behalf of the University. Therefore, the way that student data is shared between the University and its partners, and the way that partners store and manage student data must comply with the Data Protection Legislation.

Our Data Protection Policy can be accessed [here](#). An overview on the Data Protection Act 2018 and General Data Protection Regulation 2016 can be found [here](#).

GENERAL GUIDANCE

Any policies submitted to support the Due Diligence Checklist should be current, in line with the local legislative updates for that country and have been reviewed within the last 5 years.

INFORMATION ABOUT THE UNIVERSITY

To mirror the activity that Liverpool John Moores University undertakes for its partner institutions, we understand that our partners will sometimes require information about the University before they wish to enter into a partnership with us.

Some links have been embedded within the headings above to provide details about the University policies and approach. Further useful information is available on the website at:

<https://www.ljmu.ac.uk/about-us/structure/governance-and-charitable-status>

<https://www.ljmu.ac.uk/about-us/public-information/wider-information-set>

Having satisfied the initial conditions of registration, Liverpool John Moores University was entered in the Register of English Higher Education Providers. The register can be accessed at:

<https://www.officeforstudents.org.uk/advice-and-guidance/the-register/the-ofs-register/>

If you would like to discuss any other required information, please contact: collaborativeprovision@ljmu.ac.uk.